

REMARKS

The Office action dated October 2, 2006 has been carefully considered. Claims 1, 2 and 3-24 are active in this application. Further examination and reconsideration of the rejection of claims 1, 2 and 3-24 are respectfully requested.

The rejection of claims 1-2, 4-5, 7-10, 12-19 and 22 and 24 are rejected under 35 U.S.C. §102(e), s being anticipated by Lauber et al. (US 2004/00909050 A1), is respectfully traversed. However, in order to further the prosecution of this application, claims 1, 8, 17 and 24 have been amended in order to further distinguish the invention from the cited art. These claims now recite “concurrently activating a second virtual fence in connection with receipt of a signal, indicative of other than vehicle location, from the delivery vehicle” (claim 1); “input logic that is coupled to receive a protection signal, indicative of other than vehicle location, from the vehicle; fence logic that is coupled to the input logic, being operable to activate a selected virtual fence from a plurality of virtual fences in response to said protection signal” (claim 8); “means for activating a selected virtual fence, from a plurality of virtual fences, based on the activation event and a signal, indicative of other than vehicle location, from said delivery vehicle” (claim 17) and “activating a selected virtual fence from a plurality of virtual fences, in connection with receiving a signal, indicative of other than vehicle location, from said delivery vehicle,” (claim 24). Thusly, activation of a virtual fence is initiated from the vehicle, whether manually (by the driver) or automatically. Lauber fails to teach or suggest activation of a virtual fence in connection with receipt of a signal, indicative of other than vehicle location, initiated from a vehicle in connection with a concurrently operated second fence. The nested geo fences (paragraph 393 of Lauber) relied upon in the Office action are prompted from a location remote from the vehicle such as the dispatch center. Many instances may arise when it is more critical to have fence activation driven locally. Moreover, especially since Lauber is concerned with tracking vehicle movement, geo-fences, which define areas of vehicle movement, do not have a connection to events driven by occurrences other than vehicle location such as those with which applicant’s amended claims now address. Consequently no intelligence is disclosed in Lauber that teaches or suggests virtual fence activation or initiation from the vehicle. As such activation or initiation of a virtual fence

operating concurrently with another virtual fence “in connection with receipt of a signal, indicative of other than vehicle location,” is not taught or suggested by Lauber since there is no provision in Lauber to provide such non-vehicle position signaling which would result in fence activation.

The foregoing added limitations in the independent claims are now included in the respective dependent claims as well. It is therefore submitted that the claims 1-2, 4-5, 7-10, 12-15, 17-19 and 22 and 24 have been patentably distinguished over Lauber.

The rejection of claims 6, 11, 20 and 21 under 35 U.S.C. §103 (a) as being unpatentable over Lauber in view of Moses is respectfully traversed. In view of the previously discussed amendments to claims 1, 8, 17 and 24, it is submitted that Lauber, in view of Moses, fails to make the invention obvious under 35 U.S.C. 103 (a). Although it is stated in the Office action that Moses teaches alarm activation that would initiate vehicle tracking (through initiation of a geo-fence) such a function would likely take considerably more money and effort to implement in the system of Lauber and is likely beyond the scope of its primary scope of vehicle tracking. Further, more than likely, even if the teachings of the two references were combined, an alarm condition would simply lead to an alert at the dispatch center.

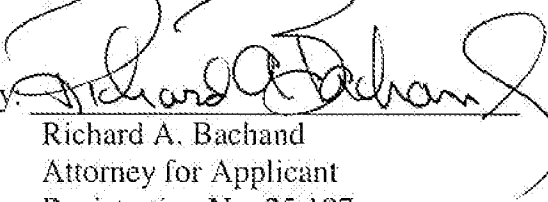
The rejection of claims 16 and 23 under 35 U.S.C. §103 (a) as being unpatentable over Lauber in view of Andre et al (US2003/0151507) is respectfully traversed. Claim 8 now recites “a protection signal, indicative of other than vehicle location, from the vehicle.” Claim 17 now recites “a signal, indicative of other than vehicle location, from said delivery vehicle.” In view of the amendment to claim 8 from which claim 16 depends and the amendment to claim 17, from which claim 23 depends, it is submitted that claims 16 and 23 are patentably distinct from any combination of Lauber with Andre. There is no teaching or suggestion in these references nor would it be obvious to currently operate two virtual fences in connection with a signal indicative of other than vehicle location.

PATENT

In view of the amendment and remarks, this case is submitted as being in a condition for allowance. Applicants therefore respectfully request that a timely Notice of Allowance be issued in this case.

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Respectfully submitted,

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